

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

December 16, 2010

5:30 P.M.

MINUTES

Present: Mayor Donald Kasprzak, Councilors Tim Carpenter (W1), Michael Kelly (W2), George Rabideau (W3), Jim Calnon (W4), Amy Valentine (W5), Chris Jackson (W6)

Absent: None

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the regular meeting of the Common Council held on December 9, 2010 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Valentine; Seconded by Councilor Carpenter

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending December 15, 2010 in the amount of \$ 237,915.01 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Calnon

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the week of December 9 – December 15, 2010
- Report from the Building Inspector's Office from May 25 – December 13, 2010
- Statement from the City Clerk's Office of all monies received during the month of November 2010 in the total amount of \$10,733.74
- Report from the Parking Violations Bureau for November 2010
- Finance Department Statement of Revenue and Expenditures for the Month of November 2010

RESOLVED: That the reports as read are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Rabideau; Seconded by Councilor Valentine

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

4. CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills approved by the Auditing Committee of the Common Council in the amount of \$ 618,482.61 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Carpenter
Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson
(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL:

Don Woodward 43 Beekman Street wanted to make the Council aware of an issue he has with the recreation facility and his belongings missing or removed from a gym locker in December of 2009 and all he wants is the contents of his locker and he will leave it up to the Council and perhaps they can get the contents returned to him.

Mayor Kasprzak said normally I don't comment during this time nor does the Council. But I wanted to let the Council know that Mr. Woodward has had contact with many people for quite some time about this issue including **Mr. Brodi**, who is a friend of his, **Steve Peters** several times, he has approached **John Clute**, myself and **Councilor Calnon**. I am not here to debate what he said was accurate or not all he is going to say to you all is: I suggested very strongly to him twice that if he feels that he has been mistreated, which obviously being here this evening he does, then he should pursue this thru litigation and that is the best answer I can give him because people sign contracts for lockers. I would assume people read the contract that they sign. Mr. Woodward is not pleased with the outcome; I respect and understand that. So that is the response that I gave to him. That's what I wanted the Council to know. It has been thoroughly discussed within the recreational facility management for quite sometime. If you have any questions you can certainly call me.

7. OTHER ITEMS:

Motion to remove item 7A from the Table.

By Councilor Calnon; Seconded by Councilor Jackson
Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson
(All voted in the affirmative)
ACTION TAKEN: Adopted

A. RESOLVED: Local Law P1 of 2010 revision date 12-14-10 amending Chapter 161 of the City

Code of the City of Plattsburgh: "To provide for the licensing and identification of dogs within the City of Plattsburgh," the entire text of which has been distributed to and read by the members of the Common Council, is hereby enacted without the reading thereof and a copy of said local law is made part of the minutes of this meeting.

By Councilor Kelly; Seconded by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves Chief Plant Operator Dave Powell to advertise for bids for contract #2010-17, "Liquid alum for WPCP."

By Councilor Jackson; Seconded by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

C. RESOLVED: In accordance with the request therefore the Common Council approves Chief Plant Operator Dave Powell to advertise for bids for contract #2010-18, "Sodium Thiosulfate for WPCP."

By Councilor Valentine; Seconded by Councilor Calnon

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

D. RESOLVED: In accordance with the request therefore the Common Council approves Chief Plant Operator Dave Powell to advertise for bids for contract #2010-19, "15% Sodium Hypochlorite Trade Solution for WPCP and Water Filtration Plant."

By Councilor Carpenter; Seconded by Councilor Jackson

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

E. RESOLVED: In accordance with the request therefore the Common Council approves Bill Treacy, Manager MLD to write-off unpaid final bills from October 1, 2009 to October 31, 2009 in the total amount of \$1,587.47. The percentage of write-offs for this period is .16%.

By Councilor Jackson; Seconded by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

F. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to establish capital project number H8320.68 as per the attached documentation made available for the meeting.

By Councilor Carpenter; Seconded by Councilor Jackson

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

G. RESOLVED: In accordance with the request therefore the Common Council approves that the proposal from CHA for providing engineering services to prepare a dam permit modification application package and construction documents for the Mead Reservoir Dam be authorized and the agreement be executed. The cost will not exceed \$206,500.

By Councilor Valentine; Seconded by Councilor Jackson

Discussion:

Councilor Kelly said he was looking at the minutes from last weeks meeting and this figure was \$201,500 and he asked **Environmental Manager Jon Ruff** about it and he said that the extra \$5,000 is to study the building of a foot bridge between the two sides of the dam across the spill way and that seems like something that is really needed.

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

Corporation Counsel John Clute this item is asking to adopt a resolution approving the award of a contract to a contractor for \$129,950. The report from Community Development Office really isn't very clear in terms of what you are actually asked to do and what you have the authority to do. This involves the money that's being appropriated and spent for the rehabilitation of the McFadden Furniture property. The contract is not between the City of Plattsburgh and the person that's going to

do the work. It's between the owner of the building and the person that is going to do the work. So we don't really have a role in approving the contract you don't really have a say in that other than tell the owners what bid we got. What we are doing is the way that this work is being financed is if the cost is \$129, 950, there is a grant from New York State under this Main Street program for \$67,309, the owners investing cash of his own money in the amount of \$25,000, and what you are actually being asked to do is to approve a loan from the City to the owner from this combined economic development housing revolving loan fund and the amount of that loan is \$37,641 now before this came to you, in fact last week when we had the meeting with the local development corporation, you may recall that we had given the loan committee of the local development corporation the authority and the responsibility to review these loan applications and make recommendations to you so you didn't have to get involved in the details of the project economic, they did that at their last meeting and we looked at it carefully and the addition of these two properties to the income stream results in a situation it increases the gross income from the property by about \$1400 and the debt service on this loan that you are being asked to approve is somewhere in the neighborhood of \$650. So the improvements and the income that will come from the improvements should provide us with a secure position in terms of the repayment of this \$37,641 loan. That is the background. So what the motion should be is to approve a loan from the City's economic development revolving loan fund account to the Ames Furniture Co, Inc. DbA McFadden Furniture in the amount of \$37,641 so if you just approve the loan for that amount.

H. RESOLVED: In accordance with the request therefore the Common Council approves that Project Main St BIP No. 10-2008 for 64 Bridge Street (Ames Furniture Co, Inc. DbA McFadden Furniture) be awarded to B & E Development LLC in the total amount of \$129,950.

By Councilor Carpenter; Seconded by Councilor Rabideau
Discussion:

Motion to amend

By Councilor Jackson; Seconded by Councilor Kelly

Proposed amended motion is to approve a loan from the City of Plattsburgh Economic Development Revolving Loan Fund to Ames Furniture Co, Inc DbA McFadden Furniture in the amount of \$37,641 on the terms set forth in the Lake City Local Development Corporation loan committee's recommendation for loan approval.

By Councilor Carpenter; Seconded by Councilor Kelly
Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson
(All voted in the affirmative)

RESOLVED: In accordance with the request therefore the Common Council approves a loan from the City of Plattsburgh Economic Development Revolving Loan Fund to Ames Furniture Co, Inc DbA McFadden Furniture in the amount of \$37,641 on the terms set forth in the Lake City Local Development Corporation loan committee's recommendation for loan approval.

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action:

I. Motion to waive rule 4 for initial consideration “Request from City Engineer Kevin Farrington that the Mayor be authorized to sign Change Order No. 1 for Contract # 2010-15 – “Penfield Park Fence Improvements at Lefty Wilson Field” in the total amount of \$ 931.

By Councilor Calnon; Seconded by Councilor Jackson

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

RESOLVED: In accordance with the request therefore the Common Council approves that the Mayor be authorized to sign Change Order No. 1 for Contract # 2010-15 – “Penfield Park Fence Improvements at Lefty Wilson Field” in the total amount of \$ 931.

By Councilor Calnon; Seconded by Councilor Jackson

Discussion:

Councilor Carpenter asked what brought about the change was there a problem that they found out.

City Engineer Kevin Farrington they found some portions of the fence needed repairs and decided to go with something heavier.

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action:

8. TRAVEL REQUEST: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

1. Permission for the Mayor to sign the Lease Agreement between the City of Plattsburgh and the Town of Chazy for the ice resurfacing machine and ice edging machine for a period of one year with a payment of one dollar to begin immediately.

Councilor Jackson asked if this is the old Zamboni from the Crete Center and asked can't we just sell it to them.

Mayor Kasprzak said yes it is. You can bring that up when you want to. Do you want to bring it up now because every year we go through this and we have the same discussion so if you would like to pursue it go right ahead.

Councilor Jackson said no, I am just curious why we are keeping it and leasing it to them.

Mayor Kasprzak said the decision was made to share services and be nice to a North Country community when we got out of the ice making business. None of us were here.

Councilor Jackson said it's got probably no residual value; it's probably fully depreciated.

Mayor Kasprzak said we have had this discussion and they have invested approximately \$5,000 in the machine at one point and so every time we renew it, which is why I only did it for a year, and somebody said why don't we just do it forever. I said no because I am certain this will be discussed in 2011 and maybe some people want to openly discuss it with the town of Chazy so I left it at the one year and this is one of the deals we inherited.

Councilor Jackson said I am just curious do we foresee us ever needing the machine?

Corporation Counsel John Clute said no we are not getting back in the ice business.

Councilor Jackson said why don't we just get rid of it at a very favorable price.

Mayor Kasprzak asked would you like to make a motion.

Councilor Jackson said he might make a motion next week, give me a week to think about it.

Mayor Kasprzak said I think that would be an outstanding idea Christmas week to ask someone to pay for that.

Councilor Jackson said no I am not looking to sell it; I am looking to give it to them maybe \$50.

Corporation Counsel John Clute said you can't do that. You can give real estate oddly enough of unlimited value to another municipality but as far as I can tell you can't give away personal property that is worth \$50 to another municipality. There is no state law so these are part of the complications with this thing. I think that one of the reasons this is a one year lease thing is because we ought to not have to revisit this thing every year and it probably should be sold and we have to figure out how can we do it, what's it really worth. But right now the town is in the middle of the hockey season with the kids and we aren't going to be pulling the plug on them this winter.

Councilor Valentine said that's worse than taking candy away.

Councilor Kelly we should really play hard ball with these guys and ask for \$2.

Councilor Carpenter said I understand it can't be given it to them but if we are selling it to them for \$50 would it have to be determined on the market of the actual value of that is in order to sell it to them.

Corporation Counsel John Clute said the reason why you periodically you have resolutions going out to bid to sell scrap metal from the Municipal Lighting Department is....under New York Law and I don't think anyone ever really thought about it. There isn't any authorization for disposing of personal property in a way other than public auction to the highest bidder. There is a state law that authorizes one municipality to transfer real property of any value to another municipality for no consideration. In other words you can make a gift of very valuable real estate to another municipality if you are so inclined but I can't figure out how we can get rid of a Zamboni which might be worth \$500, I have no idea.

Councilor Calnon said we could establish a longer term lease than a year if we wanted.

Corporation Counsel John Clute said read the lease and you'll see the last paragraph. I don't want to get in to that now.

Councilor Jackson said if we ever did put it out to bid some other municipality down in Albany could come and steal it from Chazy so the point of leasing it to Chazy for \$1 makes a lot more sense to me to keep it in Clinton County.

Mayor Kasprzak said what he has tried to tell people over the years, I've only been here for 4 years and every time someone says to me, why don't you put a hotel/convention center at the Crete Center. I started asking **John Clute** questions about that in 1990 when I was on the Council and he gives me the same answers then that he does now so I get frustrated. This is another one of those things. Principally we should be able to hopefully make a deal and someone would say we think that Zamboni is worth something and thank you for being good neighbors and we will go ahead and do these things in the future together.

2. Request from City Engineer Kevin Farrington that the Mayor be authorized to sign Change Order No. 1 for Contract # 2010-15 – "Penfield Park Fence Improvements at Lefty Wilson Field" in the total amount of \$ 931.

(Move to agenda under "Other Items" Letter I)

3. Request from the City Chamberlain to review the attached comparison of the results of the RFP for Workers' Compensation claims coverage for 2011 and accept the option that best supports the City's requirements.
4. Request from Chief Desmond Racicot for a Police Officer to attend the "TASER Instructor Recertification Class" in Saratoga Springs, NY from January 27 – 28, 2011 at a cost not to exceed \$383.00 and will be paid out of Asset Forfeiture Fund (Treasury funds).

10. NEW BUSINESS:

Councilor Kelly said I would like to point out that the \$206,500 we just approved tonight was from the Water and Sewer fund is that correct.

Mayor Kasprzak said it was from the Water Reserve Fund.

Councilor Kelly felt like the public should know that. That is what that Water Reserve fund is for these kinds of projects. The other thing he wanted to mention is that the gentleman who spoke to us regarding his situation at the gym reminded me of when I used to work for American Express in the 80's and that was a long time ago and I have probably forgotten more about it then I ever learned but one thing I do remember is that when you walked in the building and started up the escalator in the morning they had a sign that said if your not serving the customer you are serving someone who is and I have never forgotten that and the reason they can charge \$55 a year for a green card and \$100 for a platinum card is because of the exceptional service they give. This gentleman said some things that sort of reminded me of the training we had pounded in to our heads at American Express and it was the customer is always right, always. I would like for our City Departments, Recreation in particular, to keep that in mind in all their dealings with all their customers. I don't know the details on this so I don't want to jump in to a huge discussion about it just occurred to me that this whole thing could have been prevented with some careful customer service techniques that we learned back in the 80's.

Councilor Jackson observed a person in a motorized wheelchair trying to navigate the sidewalks and he just wanted to remind the residents of the City of Plattsburgh that there is a snow removal law in effect to remove snow from sidewalks. Please think of people who have handicaps that are trying to navigate the City's sidewalk system and please take care of your sidewalks.

11. CLOSING PUBLIC COMMENTS: None

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Valentine
Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson
(All voted in the affirmative)
MEETING ADJOURNED: 6:07 pm

Local Law No. P1 of the year 2010.

A local law amending Chapter 161 of the City Code of the City of Plattsburgh.

Be it enacted by the Common Council of the City of Plattsburgh as follows:

Section 1. Article II of Chapter 161 of the City Code entitled License Fees is hereby repealed.

Section 2. Article VI of Chapter 161, which reads as follows, is hereby adopted.

Article VI – Dog Licensing

§ 161-30. Purpose.

The purpose of this article is to provide for the licensing and identification of dogs within the City of Plattsburgh.

§ 161-31. Exemptions.

A. Any dog harbored within the City of Plattsburgh which is owned by a resident of New York City or licensed by the City of New York, or which is owned by a nonresident of New York State and licensed by a jurisdiction outside the State of New York, shall for a period of 30 days be exempt from this article.

B. This article shall not apply to any dog confined to the premises of any public or private hospital devoted solely to the treatment of sick animals, or confined for the purposes of research to the premises of any college or other educational or research institution.

C. This article shall not apply to any dog confined to the premises of any person, firm or corporation engaged in the business of breeding or raising dogs for profit and licensed as a Class A dealer under the Federal Laboratory Animal Welfare Act.

§ 161-32. Definitions.

As used in this article, the following words shall have the following respective meanings:

ANIMAL CONTROL OFFICER – The officer appointed by the City for the purpose of being responsible for the control of dogs and other animals.

CITY – Designates the area within the corporate limits of the City of Plattsburgh.

CLERK – The Clerk of the City of Plattsburgh by whom licenses are validated or issued pursuant to this article.

DOG – Any member of the species canis familiaris.

HARBOR – To provide food or shelter to any dog.

IDENTIFICATION TAG – A tag issued by the licensing municipality which sets forth an identification number, together with the name of the City, the State of New York, contact information, including telephone number for the City and such other information as the City deems appropriate.

IDENTIFIED DOG – Any dog carrying an identification tag as provided in this article.

OWNER – Any person who harbors or keeps any dog.

OWNER OF RECORD – The person in whose name any dog was last licensed pursuant to this article or the State of New York (if prior to January 1, 2011), except that if any license is issued on application of a person under 18 years of age, the “owner of record” shall be deemed to be the parent or guardian of such person.

PERSON – Any individual, corporation, partnership, association, municipality, or other legal entity.

SERVICE DOG -- any guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog or therapy dog, as those terms are defined in § 108 of Article 7 of the New York State Agriculture and Markets Law.

SPAYED OR NEUTERED – A dog that has been spayed or neutered by a veterinarian, or a dog whose life would be endangered by spaying or neutering as evidenced by a written statement to that effect from a veterinarian.

§ 161-33. Licensing requirement.

- A. All dogs harbored within the City that are four months of age or older, unless otherwise exempted, must be licensed.
- B. Licenses shall be issued the City Clerk. The owner shall file a dog license application with the City Clerk. The application shall identify the dog and the owner and include such information as the City Clerk may require.
- C. The license applicant shall provide proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog’s life, in which case vaccination shall not be required.

- D. Where a dog is spayed or neutered, the license applicant shall provide a veterinarian's certificate to that effect.
- E. **The license application shall become the license for the dog when it is signed by the City Clerk.** The Clerk shall provide a copy of the license to the owner and retain a copy in the City records. Upon request, license information shall be made available by the City to the Commissioner of the New York State Department of Agriculture and Markets for purposes of rabies and other animal disease control efforts and actions.
- F. Each license issued or renewed shall be valid for a period of one year from the date of issuance and shall not be transferable. Each license shall expire on the last day of the last month of the period for which it is issued. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog.
- G. If an owner applies for a new or renewal license, and the City Clerk determines the dog should have been licensed for the period that it did not have a license, the owner shall not be liable for a fine, but in addition to the license fee the owner shall pay a charge equal to the license fee payable during the period the dog was unlicensed.
- H. If a dog dies or is transferred before the license expires, the license fee shall not be refunded.
- I. The owner of record shall promptly notify the City Clerk of a change of his residence.

§ 161-34. License fees.

The fees and charges for a dog license are set forth in Table I. Such fees and charges may be amended from time to time by resolution of the Common Council. If a license tag is lost or damaged it may be replaced upon payment of the replacement tag fee.

§ 161-35. Identification tags.

- A. At the time a dog is first licensed it shall be issued a City identification number and tag which shall be affixed to a collar which shall be worn by the dog at all times.

- B. A dog participating in a dog show shall be exempt from the dog tag and collar requirement during such show.
- C. No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.
- D. Service dogs shall be licensed and wear dog tags.

§ 161-36. Change of ownership; lost or stolen dog.

- A. If ownership of a licensed dog is transferred, within 10 days of transfer the owner of record shall notify the City Clerk in writing. Until such notice is given, the owner of record shall be liable for violations of this article.
- B. If a licensed dog is lost or stolen, the owner shall file with the Clerk a written report of such loss or theft within 10 days. The owner shall not be liable for any violation of this article committed after such report is filed.

§ 161- 37. Penalties for offenses.

- A. It shall be a violation, punishable as provided in Subsection B of this section, for an owner to:
 - a. Fail to license a dog.
 - b. Permit a dog to be in a public place without a dog tag.
 - c. Use a dog tag on a dog other than the one to whom it was issued.
 - d. Give false or inaccurate information on a dog license application.
 - e. Fail to notify the City Clerk of a change of ownership of the dog.
- B. A violation of this article shall constitute an offense punishable by the issuance of an appearance ticket. The maximum fines shall be: \$50 for the first offense, \$100 for the second offense and \$250 for the third offense.

SECTION 3. Severability.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4. Effective date.

This local law shall take effect January 1, 2011, after filing with the Secretary of State.

City Code Chapter 161 Article VI
TABLE I
Dog license fees

Dog Licensing Fees – one year license			
	City Fee	State Fee	Total
Spayed/Neutered	7.50	1.00	8.50
Not Spayed/Neutered	12.50	3.00	15.50
Service Dog	0	0	0
Replacement Tag	11.00	0	11.00